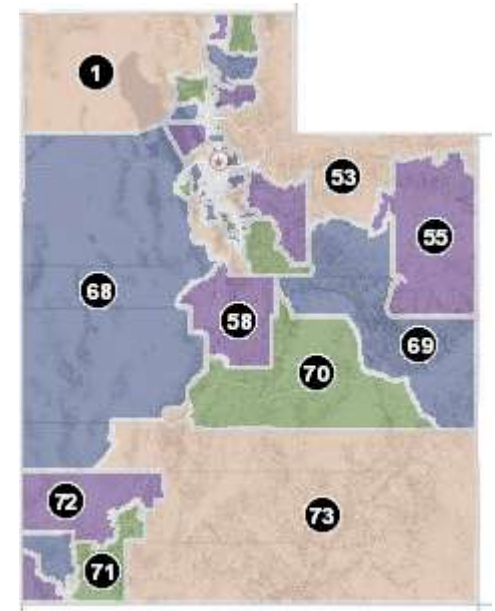




Redistricting Principles and Tradeoffs

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Level Setting

There is no perfect district plan.

Redistricting is about balancing competing considerations.

Considerations for Planning

☞ People

- Mapmakers/GIS Specialists/Demographers
- Evaluators/Statisticians
 - Racial Polarization Analysis
 - Partisan Bias/Inefficiency
- Lawyers

☞ Process

- Hearings
- Public Participation/Submissions
- Calendar/Deadlines/Schedule
- Stages in evolution of mapmaking process

☞ Principles

Principles

⌘ Legal Constraints

- U.S. Constitution
 - One Person, One Vote
 - Prohibition on Racial Gerrymandering
- Voting Rights Act §2

⌘ Map Criteria

- [Contiguity]
- [Reasonable Compactness]
- Communities of Interest
- Natural . . . Boundaries
- District Cores
- Political Subdivisions
- Boundary Agreement
- Prohibition on purposeful or undue favoring or disfavoring of incumbent, candidate, or party

One Person, One Vote

⌘ Congressional districts –

- No de minimis population variances allowed.
(See *Karcher v. Daggett*, 462 U.S. 725 (1983) (striking down plan with 0.7% deviation))
- Strive to achieve districts with exactly 818,813 people.

⌘ Non-Congressional districts – Plus or minus five percent deviation allowed so long as not for illegitimate reasons.

Racial Gerrymandering

✎ Race-based Vote Dilution:

May not intentionally dilute racial groups' votes.

✎ Shaw v. Reno:

Use of race as the “predominant factor” in the construction of a district is presumptively unconstitutional...

- UNLESS required by the Voting Rights Act.

Voting Rights Act, Section 2

∞ Prohibits even unintentional race-based vote dilution in certain circumstances:

- Minority group is large and compact enough to form a majority in a potential district
- Minority political cohesion
- White bloc voting
- Other “Senate Factors” pointing to history of racial discrimination.

*Note: Inherent tension with *Shaw v. Reno* – must draw minority opportunity district even though generally cannot use race as predominant factor.

Contiguity and Compactness

∞ Contiguity – all parts of district must be connected

- Issues:
 - Point contiguity
 - Water contiguity

∞ Compactness – “Reasonably compact”

- Aesthetic concept – no bizarre shapes; “know it when you see it”
- Mathematical concept – assortment of measures relating shape or perimeter of district to some other standard.
- Functional concept – “cultural compactness”
- **Possible Tradeoffs** –
 - Geographical boundaries
 - District Cores
 - Political Subdivisions
 - Communities of Interest

Communities of Interest (Defined)

Arizona's Definition:

“[A] group of people in a defined geographic area with concerns about common issues (such as religion, political ties, history, tradition, geography, demography, ethnicity, culture, social economic status, trade or other common interest) that would benefit from common representation.”

California's Definition:

“a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.”

Colorado's Definition:

“any group . . . that shares one or more substantial interests that may be the subject of state legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district for purposes of ensuring its fair and effective representation. Such interests include but are not limited to matters reflecting: (A) Shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and (B) Shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance. Groups that may comprise a community of interest include racial, ethnic, and language minority groups, [but] does not include relationships with political parties, incumbents, or political candidates.”

Communities of Interest (Challenges)

- ⌘ Justification: Districting is, in the end, about representing geographically defined communities.
- ⌘ **Potential Tradeoffs**
 - Compactness and Contiguity
 - Political Subdivision or Natural Boundaries
 - District Cores
 - Prohibition on Undue Favoring of Party
 - [Equal Population and Voting Rights Act]
- ⌘ **Challenges**
 - Pretexts for partisan interests
 - Community boundaries overlap
 - Communities sometimes prefer to be split
 - Who gets to define the boundaries of a community?
 - Which types of communities deserve protection?

“following natural, geographic, or man-made features, boundaries, or barriers”

∞ Justification: natural boundaries provide useful, nonpartisan, common-sense guidance for districts.

∞ Potential Tradeoffs

- Compactness
- Political Subdivisions
- District Cores
- Communities of Interest
- [Equal Population and Voting Rights Act]

∞ Challenges

- Which boundaries are significant?
- How to reconcile conflicts between such boundaries?

“Preserving Cores of Prior Districts”

- ✎ Justification: Provides for continuity in district identity and representation.
- ✎ **Tradeoffs** (depends on principles that guided existing districts)
 - Compactness
 - Political subdivisions and geographic boundaries
 - Communities of interest
 - [Equal Population and Voting Rights Act]
 - **Undue favoring of incumbents or parties
- ✎ **Challenges**
 - How to define a core?
 - If existing districts are “tainted,” then preserving their cores replicates existing biases.

“minimizing the division of municipalities and counties across multiple districts”

∞ Justification: Defines political communities, allows for direct representation of local governments, provides recognizable guideposts for voters, facilitates election administration*.

∞ Potential Tradeoffs

- Compactness
- Geographic boundaries
- District cores
- Communities of interest
- [Equal Population and Voting Rights Act]

∞ Challenges

- How to reconcile municipalities and counties?
- Is the key measurement the number of split subdivisions or the number of times a subdivision is split? (e.g., Is it better to split one county into three districts or two counties each into two.)
- Are all splits created equal? (Does a minor sliver of a county to achieve equal population “count” as much as a division of county into two equal halves?)

“achieving boundary agreement among different types of districts”

∞ Justification: Facilitates election administration and precinct drawing, promotes coherence of different boundaries, allows for building of legislative teams for representation of different areas.

∞ Potential Tradeoffs

- Compactness
- Geographic and subdivision boundaries
- District cores
- Communities of interest
- [Equal Population and Voting Rights Act]

∞ Challenges

- Impossible to “nest” 75 House districts into 29 Senate districts into 15 School Board districts into 4 Congressional districts.
- How should the three proposals per map type be reconciled with each other?
- Which boundary agreements should be prioritized?

“prohibiting the purposeful or undue favoring or disfavoring of an incumbent elected official, a candidate or prospective candidate for elected office, or a political party.”

∞ Justification: Ensure nonpartisanship, avoid political bias, and promote fair competition and accurate representation.

∞ Potential Tradeoffs

- District cores
- Communities of interest

∞ Challenges

- How to assess purpose and impact of undue favoring?
- Variety of methods and measures of partisan bias – partisan asymmetry, efficiency gap, mean-median divergence...
- Which election results should be used to assess bias?
- Should incumbent residence be ignored?
- Should plans/districts proposed by incumbents or parties (or their alter egos) be deemed inherently suspect?
- If plans are assessed for partisan bias, how shall they be remedied (if use of election data in the drawing of lines is prohibited)?

Partisanship Standard

⌘ Discretion to prohibit use of:

- partisan political data;
- political party affiliation information;
- voting records;
- partisan election results; or
- residential addresses of incumbents, candidates, or prospective candidates.

⌘ Justification: Avoid political favoritism, promote competition and fairness.

⌘ Challenges

- Difficult to delete such information from Commissioners' brains and others involved in process, even if not in redistricting program.
- If submitted proposals were drawn with such data, should they be discarded?
- Depends on whether and how Commission plans to develop its maps.
 - Outside “untainted” expert?
 - Accept submissions and improve upon them?
 - Assess partisan bias in maps and then iterate off of them?

Conclusion

- ✧ Time is the most important resource – Twelve plans in two months.
- ✧ Critical decisions now:
 - Who will draw the maps?
 - What shall be the timeline for the mapmaking process?
 - How will input (from the public or the Commission) be incorporated into the linedrawing process?
 - How shall the criteria be defined and will the public weigh in on those definitions?
 - How can the hearings be used most effectively?
 - Should plan or district submissions be accompanied by explanations for how they fulfill the statutory criteria?
 - How shall the Commission deal with the conflicting impulses in the statute of the prohibition of undue favoring of parties in the construction of final maps and the need to evaluate maps to see whether they unintentionally favor one party over another?